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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 KEITH DILLMAN,
13 Plaintiff,

14 v.

15 JO ANNE B. BARNHART,
Commissioner of
16 Social Security,

17 Defendant.

Case No. 2:05-CV-00645-CMK

**STIPULATION AND ORDER OF
REMAND PURSUANT TO SENTENCE
SIX OF 42 U.S.C. § 405(g)**

18 IT IS HEREBY STIPULATED by the parties, through their
19 undersigned attorneys, and with the approval of the Court as
20 provided below, that this case will be remanded for further
21 administrative proceedings pursuant to the sixth sentence of 42
22 U.S.C. § 405(g). The Commissioner is unable to locate the tape of
23 the administrative hearing and requests remand to search for these
24 materials. If the Commissioner cannot locate the claim file and
25 tape, the Appeals Council will remand the case to an Administrative
26 Law Judge for reconstruction of the administrative record and to
27 hold a new hearing.
28

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes counsel for Defendant to file this document in PDF format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: April 25, 2006

By: /s/ Bess M. Brewer

BESS M. BREWER
Attorney at Law

Attorney for Plaintiff

DATED: April 26, 2006

McGREGOR W. SCOTT
United States Attorney
BOBBIE J. MONTOYA
Assistant U.S. Attorney

By: /s/ Bobbie J. Montoya for

JEAN M. TURK
Special Assistant U.S. Attorney

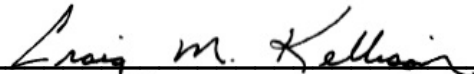
Attorneys for Defendant

OF COUNSEL:
LUCILLE GONZALES MEIS
CHIEF COUNSEL, REGION IX
U.S. SOCIAL SECURITY ADMINISTRATION

ORDER

APPROVED AND SO ORDERED.

DATED: April 26, 2006.


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE